

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION
)	NO. 05-1401-CBS
LOWELL T. MANNING,)	(Hanscom Air Force Base)
Defendant,)	
_____)	

ORDER
September 29, 2005

SWARTWOOD, C.M.J.

I. Nature of the Proceeding

The Government has filed the following motions:

1. Discovery Motion (Docket No. 7); and
2. Motion To Exclude Time Under The Speedy Trial Act (Docket No. 8).

II. Discussion

By endorsement dated September 12, 2005, I allowed the Government's Discovery Motion.

The Government's Motion To Exclude Time Under The Speedy Trial Act was filed in anticipation that the Government's main witness was to have been deployed for active duty to Uzbekistan for a minimum period of six months. The Government is now informed that its main witness has not been deployed. Therefore, that motion is moot.

III. Conclusion

1. Discovery Motion (Docket No. 7) is allowed; and
2. Motion To Exclude Time Under The Speedy Trial Act (Docket No. 8) is denied as moot.

CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE